

2. After a verdict shall be rendered in any action for a wrong, such action shall not abate by the death of any party, but the cases shall proceed thereafter in the same manner as in cases where the cause of action now survives by law.

3. At any time after the death, marriage, or other disability of the party plaintiff, the Court in which an action is pending, upon notice to such persons as it may direct, and upon application of any person aggrieved, may in its discretion, order that the action be deemed abated, unless the same be continued by the proper parties, within a time to be fixed by the Court, not less than six months, nor exceeding one year from the granting of the order.

4. The provisions of this section shall apply as well to actions existing at the ratification of this act, as to those commenced subsequently thereto.

§65.—Court may determine controversy and interpleader.

The Court either between the terms, or at a regular term, according to the nature of the controversy, under the regulations contained in this Act, may determine any controversy before it, when it can be done without prejudice to the rights of others, or by saving their rights; but when a complete determination of the controversy cannot be had without the presence of other parties, the Court must cause them to be brought in.

And when in an action for the recovery of real or personal property, a person not a party to the action, but having an interest in the subject thereof, makes application to the Court to be made a party, it may order him to be brought in by the proper amendment.

A defendant against whom an action is pending upon a contract, or for specific real or personal property, may at any time before answer, upon affidavit, that a person not a party to the action, and without collusion with him, makes against him a demand for the same debt or property, upon due notice to such person and the adverse party, apply to the Court for an order to substitute such person in his place,